

FILED
IN CLERKS OFFICE
US DISTRICT COURT E.D.N.Y.

★ SEP 13 2018 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

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JAMES BENBOW,

Plaintiff,

-against-

ORDER
17 CV 6457 (AMD)(LB)

POLICE OFFICER BRIAN W. FEELY, POLICE
OFFICER MATTHEW J. ROSIELLO, POLICE
OFFICER KENNETH L. ANDERSON, SERGEANT
WILLIAM A. DAIB, DETECTIVE SHANEIL
MITCHELL, and POLICE OFFICER STEPHEN T.
MINUCCI,

Defendants.
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BLOOM, United States Magistrate Judge:

By letter dated January 3, 2018, the Office of Corporation Counsel requests that this case be stayed pending the resolution of plaintiff's underlying criminal proceedings. ECF. No. 14. Plaintiff consents to a stay of this action so as not to prejudice his defense in his criminal matter. Id. On January 4, 2018, the Court ordered all defendants to be served with process in this action prior to issuing a stay. ECF No. 15. To date, all defendants have been served. ECF Nos. 8, 19, 20, 25, 33, and 36. Accordingly, the Court grants the request and stays this matter until plaintiff's underlying criminal proceedings have ended. See Wallace v. Kato, 549 U.S. 384, 393–94 (2007) (“[I]t is within the power of the district court, and in accord with common practice, to stay the civil action until the criminal case . . . is ended”); see also Hicks v. City of New York, 268 F.Supp.2d 238, 242 (E.D.N.Y. 2003) (“Indeed, the strongest argument for granting a stay is where a party is under criminal indictment because proceeding in related civil and criminal proceedings could (1) undermine a party’s Fifth Amendment privilege against self-incrimination; (2) expose the basis of a party’s criminal defense in advance of trial; or (3) otherwise prejudice the criminal or civil case.”)

The Office of Corporation Counsel shall file a status report regarding plaintiff's underlying criminal proceedings by December 13, 2018, or as soon as plaintiff's criminal proceeding resolves, whichever is earlier.

SO ORDERED.

/S/ Judge Lois Bloom

LOIS BLOOM
United States Magistrate Judge

Dated: September 13, 2018
Brooklyn, New York